

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

*
FIRST BANK & TRUST d/b/a *
FIRSTLINE FUNDING GROUP * CIV. 13-4017
*
PLAINTIFF, *
*
VS. * MOTION FOR DEFAULT JUDGMENT,
* AFFIDAVIT IN SUPPORT THEREOF,
GREENE ENTERPRISE, LLC; * AND NOTICE OF HEARING THEREON
JAMES GREENE; and *
RESOLUTE FOREST PRODUCTS *
*
DEFENDANTS. *

MOTION

COMES NOW, Plaintiff above named, by and through its undersigned counsel, and moves for judgment by default against the Defendants, Greene Enterprise LLC and James Greene, as prayed in the Complaint on file herein.

AFFIDAVIT OF DEFAULT

David J. Jencks, being first duly sworn on oath, deposes and states as follows:


1. The Summons and Complaint in this action were personally served upon defendant as shown by the proof of service on file herein.
2. That on April 3, 2013, the Defendant filed a Motion for Extension of Time for both Greene Enterprise and James Greene. Said Motion was granted on April 11, 2013, in respect to Defendant James Greene but not to Defendant Greene Enterprise. Said Order granted the Defendant James Greene an additional 30 days to answer the complaint.
3. That on May 28, 2013, the Defendant filed a second Motion for Extension of Time for both Greene Enterprise and James Greene. Said Motion was granted on May 30, 2013, in respect to Defendant James Greene but not to Defendant Greene Enterprise. Said Order granted the Defendant James Greene an additional 30 days to answer the complaint.
4. More than 60 days has elapsed since the expiration of the extension and of the service of the Summons and Complaint.

5. Defendant Greene Enterprise, LLC has made no Answer and Defendant James Greene has made no answer or an insufficient answer and they are now wholly in default.

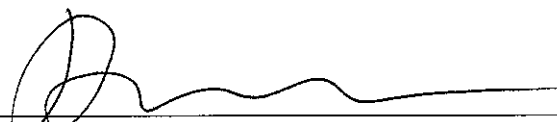
6. According to information and belief, the defendant is not now in the military service of the United States or any of its allies, and is not a minor or an incompetent person.

7. Plaintiff is now entitled to default judgment against Greene Enterprise, LLC and James Greene.

Dated this 10 day of March, 2014.


David J. Jencks – Attorney for Plaintiff

Subscribed and sworn to before me this 10 day of March, 2014.


Notary Public – South Dakota
My Commission Expires: 7-13-14

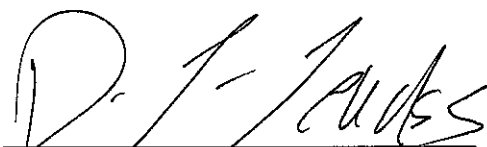
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Motion for Default Judgment, Affidavit in Support Thereof on the same were mailed on the 10 day of March, 2014, by first class mail, postage prepaid, to the Defendants, at their last known address of and notified via ECF:

Greene Enterprise, LLC
428 Industrial Drive SW
Cleveland, TN 37311

James Greene
428 Industrial Drive SW
Cleveland, TN 37311

Michael Shaffer
Paul H. Linde
412 W. 9th St, Suite 1
Sioux Falls, SD 57104


David J. Jencks